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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,
8 Plaintiff,

9 -vs-

10 TYLER SCOTT MCKINLEY,
11 Defendant.

NO. CR-12-0016-WFN-7

ORDER

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13 A motion hearing was held January 7, 2013. The Defendant, who is not in custody,
14 was present and represented by Richard Wall; Assistant United States Attorney Russell
15 Smoot represented the Government. United States Probation Officer Erik Carlson was also
16 present. The Court addressed Defendant's Motion to Amend Release Conditions which was
17 an appeal from Magistrate Imbrogno's Order filed December 12, 2012 (ECF No. 276).

18 Defendant has remained in complete compliance with all conditions of pretrial release.
19 He completed a substance abuse evaluation and was found to not require treatment.
20 Defendant does not appear to be a risk to the public. He has no past convictions. His case
21 is currently on appeal following this Court's order granting Defendant's Motion to Suppress.
22 The Court modified some of Defendant's conditions, but agrees with the Government that it
23 would likely be a Federal crime to possess a firearm while under Indictment. See 18 §
24 922(n).

25 The Court has reviewed the file and Motion and is fully informed. This Order is
26 entered to memorialize and supplement the oral rulings of the Court. Accordingly,

1. Defendants' Motion to Amend Release Conditions, filed December 20, 2012, **ECF No. 282**, is **GRANTED IN PART** and **DENIED IN PART**.

(a) Defendant is no longer prohibited from consuming alcohol and may consume alcohol in a reasonable manner.

(b) Defendant is still required to submit to random urinary analysis, but if a scheduled test conflicts with work obligations he may arrange an alternate time to provide a sample with his supervising Probation Officer. He must contact his Probation Officer early in the day to be excused from testing on any given day.

(c) The United States Probation Officer has discretion to authorize out of district travel, but Defendant must seek approval prior to leaving the district and must provide his United States Probation Officer with the details of his proposed trip. The United States Probation Officer reserves the right to refuse out of district travel if it is inadvisable.

The District Court Executive is directed to file this Order and provide copies to counsel **AND TO** United States Probation Officer Erik Carlson.

DATED this 8th day of January, 2013.

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE